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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,591	05/24/2001	Jeffrey R. Bernhardt	4254 15-849	2124

7590

08/28/2003

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EXAMINER

WONG, LESLIE

ART UNIT

PAPER NUMBER

2177

2

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,591

Applicant(s)

BERNHARDT ET AL.

Examiner

Leslie Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by **Fayyad et al.** (U.S. Patent 6,012,058).

Regarding claims 1 and 10, **Fayyad et al.** teaches a method and computer readable medium of identifying a subset of records within a database for purposes of representing said database comprising:

- a). choosing a selection attribute from one of a plurality of attributes contained in records within the database (col. 4, lines 30-34 and 43-60).
- b). scanning records in the database and applying a randomizing function to the selection attribute of each record to create a randomized record value (col. 4, line 61 – col. 5, line 6; col. 13, lines 5-24)

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c). applying a selection criteria to identify records for inclusion within a subset of records by comparing the randomized record value of each record within the selection criteria (col. 9, lines 20-45)

Regarding claims 2 and 11, **Fayyad et al.** further teaches wherein the selection attribute contains a numeric value and additionally comprising scaling the numeric value with a factor before applying the randomizing function (col. 13, lines 5-23).

Regarding claims 3 and 12, **Fayyad et al.** further teaches wherein the selection attribute contains a text string that is used as an input parameter to the randomizing function (col. 13, lines 5-13).

Regarding claims 4, 9, and 13, **Fayyad et al.** further teaches wherein the scanning of records and applying the selection criteria is implemented by an SQL statement that includes a randomizing function (col. 1, lines 23-25; col. 13, lines 14-22).

Regarding claims 5, 6, 8, 14, and 15, **Fayyad et al.** further teaches wherein subset of records that represent the database are transmitted from a server computer to a client computer by means of network (col. 15, line 8 to col.16, line 5).

Although **Fayyad et al.** does not clearly state that the subset of records that represent the database are transmitted from a server computer to a client computer by means of network, it is common knowledge that communication between a server and

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client computers is via network connections such as LAN or WAN since such networking environments are commonplace in offices, enterprise-wide computer networks, intranets and the Internet (col. 16, lines 2-4).

Regarding claim 7, **Fayyad et al.** further teaches a client/server computer apparatus comprising:

- a). one or more client computers coupled to a network and including communications instructions for requesting a data set by means of the network (col. 15, line 8 to col.16, line 5). Although, **Fayyad et al.** does not explicitly disclose that client computers communicate with the server to request the data, it should be understood that in the client/server arrangement, the client generally performs a request for the data and the server processes that request and returns the data to the client.
- b). a server computer coupled to the network and having access to a database having a number of records, said server computer including instructions for sending a dataset made up of a subset of the records in the database to a client computer via the network (col. 15, line 8 to col.16, line 5);
- c). said server computer including instructions for scanning records the database, applying a randomizing function to a specified record attribute of each record in the database to produce a randomized record value (col. 4, line 61 – col. 5, line 6), and comparing the randomized record value with a selection criteria to determine whether to include a record in the subset of records from the database (col. 9, lines 20-45) for transmission via the network to the client.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aggarwal et al. (U.S. Patent 6,289,354 B1)

Passera (U.S. Patent 6,347,310 B1)

Anjur et al. (U.S. 2002/0198863 A1)

Chen et al. (U.S. Patent 5727,199)

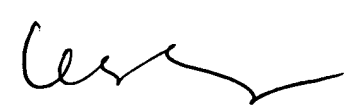
Guha et al. (U.S. Patent 6,049,797)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


JEAN R. HOMERE
PRIMARY EXAMINER


Leslie Wong
Patent Examiner
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August 25, 2003